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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
10002Z

First named inventor: Jahangir S. Rastegar et al.

Application No.: 10/658,949

Art Unit: 3723

Filed: September 10, 2003

Examiner: Hadi Shakeri

Title: MANUALLY OPERATED IMPACT TOOL

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a Request for Continued Examination e Fee (395) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/12/2005 MAHRED1 00000074 10658949 750.00 OP  
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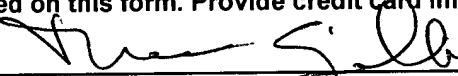
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
July 8, 2005  
Date

\_\_\_\_\_  
Thomas Spinelli  
Typed or printed name

\_\_\_\_\_  
39,533  
Registration Number, if applicable

\_\_\_\_\_  
2 Sipala Court  
Address

\_\_\_\_\_  
631 807-9747  
Telephone Number

\_\_\_\_\_  
East Northport, NY 11731  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Self Addressed Stamped Postcard, RCE TRANSMITTAL, RCE Fee (\$395)

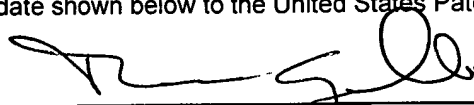
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
July 8, 2005  
Date

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Thomas Spinelli  
Typed or printed name of person signing certificate



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant(s):</b>	Jahangir S. Rastegar et al.	<b>Examiner:</b>	Hadi Shakeri
<b>Serial No:</b>	10/658,949	<b>Art Unit:</b>	3723
<b>Filed:</b>	September 10, 2003	<b>Docket:</b>	10002Z
<b>For:</b>	MANUALLY OPERATED IMPACT TOOL	<b>Dated:</b>	July 8, 2005

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Sir:

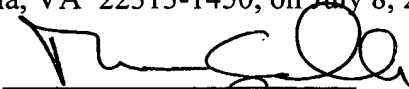
Applicants filed a response under 37 CFR 1.116 on March 31, 2005. An Advisory Action refusing to enter the amendments in such Response was issued on June 17, 2005 and received by the undersigned on June 20, 2005.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 8, 2005.

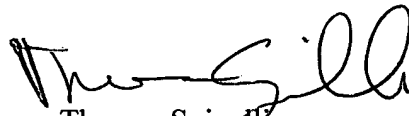
Dated: July 8, 2005

  
Thomas Spinelli

However, the statutory period to reply to the Advisory Action (by filing a Request for Continued Examination (RCE) to have the amendment entered) had expired by the time the Advisory Action issued. Applicants unintentionally failed to submit a Notice of Appeal with the Response on March 31, 2005.

Therefore, Applicants respectfully submit that the entire delay in filing the RCE from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Respectfully submitted,

  
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Registration No. 39,533

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TS/